

APPEAL NO. 012595
FILED NOVEMBER 29, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 15, 2001. The hearing officer determined that the appellant's (claimant) compensable injury of _____, did not include an injury to the cervical spine. The claimant appeals on sufficiency of the evidence grounds. The respondent (carrier) replies, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury to his low back on _____. He subsequently underwent spinal surgery on his low back. After changing treating doctors in 1993, the claimant began to complain of cervical pain. Conflicting evidence was presented to the hearing officer regarding whether the cervical spine was included in the compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The weight to be given to the claimant's testimony and the considerable medical evidence was for the hearing officer to determine as the finder of fact. We have held that the question of the extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. The hearing officer's decision that the claimant's compensable injury does not include his cervical spine is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ACE INSURANCE COMPANY OF TEXAS** and the name and address of its registered agent for service of process is

**MARCUS CHARLES MERRITT
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200
IRVING, TEXAS 75063.**

Michael B. McShane
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge